

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re ) Chapter 7  
James Turnell, ) Case No. 16-08355  
Hon. Donald R. Cassling  
(Kane County)  
Hearing Date: January 20, 2017  
Debtor. ) Time: 11:00 a.m.

COVER SHEET FOR APPLICATION FOR  
PROFESSIONAL COMPENSATION

Name of Applicant: Baldi Berg, Ltd.

Authorized to Provide  
Professional Services to: Elizabeth C. Berg, Trustee

Date of Order Authorizing  
Employment: April 22, 2016

Period for Which  
Compensation is sought: April 15, 2016 to Close of Case

Amount of Fees sought: \$5,000.00\*

Amount of Expense  
Reimbursement sought: \$0.00

This is an: Interim Application ☐ Final Application ☒

If this is not the first application filed herein by this professional, disclose as to all prior fee applications:

<u>Date Filed</u>	<u>Period Covered</u>	<u>Total Requested (Fees &amp; Expenses)</u>	<u>Total Allowed</u>
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Not Applicable

The aggregate amount of fees and expenses paid to the Applicant to date for services rendered and expenses incurred herein is: \$ -0-.

Dated: November 28, 2016

Baldi Berg, Ltd.

By: /s/Elizabeth C. Berg

\*The compensation requested (i.e. \$5,000.00) is a voluntarily reduced amount. The total value for the services rendered is \$5,135.00.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re	)	Chapter 7
	)	
James Turnell,	)	Case No. 16-08355
	)	Honorable Donald R. Cassling
Debtor.	)	(Geneva)
	)	Hearing Date: January 20, 2017
	)	Hearing Time: 11:00 a.m.

**First Application for Allowance and Payment of Final Compensation  
of Baldi Berg, Ltd., Attorneys for Trustee**

Baldi Berg, Ltd. ("BB"), attorneys for Elizabeth C. Berg, as trustee ("Trustee") of the estate ("Estate") of James Turnell, debtor ("Debtor"), pursuant to section 330 of title 11, United States Code ("Code"), request this Court to enter an order for the allowance and payment to BB of \$5,000.00\* as final compensation for 18.60 hours of legal services rendered to the Trustee, from April 12, 2016 through the close of this case. In support thereof, BB respectfully states as follows:

**Introduction**

1. The Debtor commenced this case on March 10, 2016 ("Petition Date") by filing a voluntary petition for relief under chapter 7 of the Code.
2. Elizabeth C. Berg is the duly appointed, qualified and acting chapter 7 trustee in this case.
3. As of the commencement of this case, the Estate held an interest the Debtor's 2011 Cadillac CTS ("Vehicle") and Debtor was involved in district court litigation with his former employer relating to non-compete clauses in Debtor's employment agreement.
4. The bar date for filing non-governmental claims in this case was July 29, 2016 and the bar date for filing governmental claims was September 6, 2016.

**Retention of Baldi Berg, Ltd.**

5. On April 22, 2016, the Court entered an ordered authorizing Trustee to employ

\*The compensation requested (i.e. \$5,000.00) is a voluntarily reduced amount. The total value for the services rendered is \$5,135.00

Elizabeth C. Berg and the law firm of Baldi Berg, Ltd. as her counsel in this case. A copy of the order authorizing Trustee to retain BB is attached hereto as Exhibit A. BB has served as counsel for Trustee at all times since its retention.

6. The professional qualifications and experience of the BB attorneys and paralegals who have performed substantial legal services for the Trustee during the period covered by this Application are set forth in Exhibit B. The attorneys and paralegals who were responsible for representing the Trustee in this case are:

Elizabeth C. Berg – Partner  
Joseph A. Baldi – Partner  
Julia D. Loper – Associate  
Ricki K. Podorovsky - Paralegal  
Jason M. Manola – Paralegal

#### **Prior Compensation**

7. This is the first and final application ("Application") for allowance and payment of compensation that BB will file in this case.

#### **Services Rendered by BB**

8. Itemized and detailed descriptions of the specific services rendered by BB to the Trustee for which compensation is sought in this Application are reflected on the billing statements attached hereto as Exhibit C. The billing statements set forth the name of each attorney or paralegal, the amount of time spent rendering each service, the date on which each service was rendered, a description of the service rendered and the total number of hours of services rendered by each attorney or paralegal in each category.

9. The services rendered by BB included advising and representing the Trustee as to general case administration matters including analyzing the pre-petition transfer of the Debtors' son's house out of joint ownership, the extent and nature of Debtor's tax debt and Trustee's potential ability to administer tenancy by the entirety property, claims asserted by the Debtor's former employer, and the liquidation and sale of the Debtor's 2011 Cadillac CTS. As requested by Trustee,

BB prepared and presented the Trustee's Motion to Employ Attorneys. BB conducted an extensive analysis of debtor's bank statements and tax returns to assist Trustee in investigating potential avoidable transfers. Trustee obtained an offer from CarMax for the sale of the Debtor's Vehicle and requested BB to prepare and present the Trustee's Motion to Sell Vehicle to CarMax. BB prepared the Trustee's Report of Sale and the Trustee collected \$19,000.00 from the sale of the Vehicle. BB also prepared this final fee application.

#### **Compensation Requested**

10. In connection with the foregoing services described in paragraph nine above, BB spent 18.60 hours with a value of \$5,135.00 for which BB requests allowance and payment of final compensation in the amount of \$5,000.00. As noted above and at request of Trustee, BB has agreed to voluntarily reduce its fees in order to provide a greater distribution to unsecured creditors.

11. All of the services performed by BB were required for proper representation of the Trustee in this case, were authorized by this Court and were performed by BB at the request and direction of the Trustee. Pursuant to Section 330 of the Code and the generally applicable criteria with respect to the nature, extent and value of the services performed, all of BB's services are compensable and the compensation requested herein is fair and reasonable. There has been no duplication of services rendered to the Trustee by BB for which compensation is requested. In those instances, where two attorneys participated in any matter, such joint participation was necessary due to the complexity of the problems involved.

12. The rates charged by the attorneys and paralegals of BB in this Application, as adjusted from time to time, are their usual and customary hourly rates charged during the period covered by this Application for work performed for other clients in both bankruptcy and non-bankruptcy matters. A list of each person who performed services for the Trustee and their hourly rate is contained in the billing statements attached hereto as Exhibit C.

### **Payment of Compensation**

13. BB has not entered into any agreement or understanding of any kind, express or implied, with any other entity to share any compensation or expense reimbursement to be received by BB for services rendered to the Trustee or expenses incurred in connection with this case.

14. BB has not previously received or been promised any payments for services rendered or expenses incurred in this case.

15. The Affidavit of Elizabeth C. Berg pursuant to Rule 2016 of the Federal Rules of Bankruptcy Procedure is attached hereto as Exhibit D and made a part hereof.

16. The proposed source for payment of the compensation requested in this Application are the Estate funds in the Trustee's possession, collected by her during her administration of this case.

### **Status of the Case**

17. The Trustee has administered all of the assets belonging to this Estate and completed her review and analysis of the claims filed against the Estate.

18. Trustee has completed and filed her Final Report simultaneously herewith. A final fee application for the Trustee has also been filed concurrently with this Application.

### **Financial Condition of the Case**

19. Trustee currently has approximately \$16,551.84 on deposit in the Estate's bank accounts. The Chapter 7 administrative expenses that are currently owing and those the Trustee anticipates the Estate will incur prior to the closing of this case include 1) the fees and expenses allowed to Trustee in connection with her final fee application, 2) the legal fees allowed to Baldi Berg, Ltd. in connection with this final fee application, and 3) any other fees which may be due or outstanding to the offices of the United States Trustee and the Clerk of the United States Bankruptcy Court.

20. Following payment of all Chapter 7 administrative expenses set forth above, Trustee

anticipates that there will be only sufficient funds to make a partial distribution to the Internal Revenue Service, Trustee estimates there will not be funds available to make a distribution to general unsecured creditors.

**Trustee's Approval**

21. BB certifies that the Trustee has received, reviewed and approved this Application.

WHEREFORE, Baldi Berg, Ltd., attorneys for Elizabeth C. Berg, as trustee, requests the entry of an order providing the following:

- A. Allowing to Baldi Berg, Ltd. final compensation in the amount of \$5,000.00 for actual and necessary professional services rendered to the Trustee from April 12, 2016 through the closing of this case;
- B. Authorizing the Trustee to pay the amounts awarded from the funds in the case as part of her final distribution; and
- C. For such other and further relief as this Court deems appropriate.

Dated: November 14, 2016

Baldi Berg, Ltd.

Attorneys for Elizabeth C. Berg, as trustee of the estate of James Turnell, Debtor

By: /s/  
Elizabeth C. Berg

Elizabeth C. Berg  
Baldi Berg, Ltd.  
20 N. Clark St. Suite 200  
Chicago, IL 60602  
312.726.8150

**Baldi Berg, Ltd.  
Final Fee Application**

**James Turnell, Debtor  
Case No. 16-08355**

**Retention Order**

**Exhibit A**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
Eastern Division

In Re:	)	BK No.: 16-08355
James Turnell	)	
	)	
	)	Chapter: 7
	)	Honorable Donald R. Cassling
	)	Kane
Debtor(s)	)	

**Order Authorizing Trustee to Employ Attorneys**

THIS CAUSE comes before this Court on the Trustee's Application to Employ Elizabeth C. Berg and the law firm of Baldi Berg, Ltd. as attorneys for Trustee and the supporting affidavit of Elizabeth C. Berg; and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that Elizabeth C. Berg, as trustee of the estate of James Turnell, debtor, is authorized to employ Elizabeth C. Berg and the law firm of Baldi Berg, Ltd. to act as counsel for the Trustee, with compensation and reimbursement of expenses to be paid in such amounts as may be allowed by this Court, only upon further application.

Enter:



Honorable William V. Altenberger  
United States Bankruptcy Judge

Dated: April 22, 2016

**Prepared by:**

Elizabeth C. Berg  
Baldi Berg, Ltd.  
20 N. Clark Street, Suite 200  
Chicago, IL 60602  
(312) 726-8150



**Baldi Berg, Ltd.  
Final Fee Application**

**James Turnell, Debtor  
Case No. 16-08355**

**Professional Qualifications**

**Exhibit B**

**Baldi Berg, Ltd.**

**Joseph A. Baldi**

Joseph Baldi is the founding member of the Chicago bankruptcy boutique firm of Baldi Berg, Ltd. (formerly Baldi, Berg & Wallace, Ltd.). Prior to establishing the firm in 2000, Mr. Baldi was a partner in the Chicago law firms of Schwartz & Freeman and Rosenthal and Schanfield, P.C., where he served as chairman of bankruptcy and reorganization practice group. In addition to his experience in private practice, Mr. Baldi spent five years as a staff attorney with the Office of the United States Trustee, a component of the United States Department of Justice.

Mr. Baldi has specialized in insolvency law for over 25 years and has extensive experience in a variety of settings, including bankruptcies, workouts, receiverships and assignments for the benefit of creditors. He has represented clients in all sectors of the bankruptcy arena, including debtors, bankruptcy trustees, lenders, claimholders and creditor committees. Mr. Baldi has counseled both individual and corporate debtors in chapter 7, 11, and 13 cases and has significant experience with complex commercial bankruptcies.

In addition to his experience acting as bankruptcy counsel, Mr. Baldi is a long time member of the panel of private bankruptcy trustees appointed by the United States Trustee's Office for the Northern District of Illinois. In over twenty years as a chapter 7 trustee, Mr. Baldi has liquidated a broad range of business entities, including law firms, real estate ventures, distributorships, retail firms and financial service providers. He has also operated numerous businesses as a chapter 11 trustee, including an aluminum manufacturing facility, a steel mini-mill, and an industrial real estate partnership.

Mr. Baldi is licensed to practice law in the state of Illinois and admitted to practice before the Seventh Circuit Court of Appeals and many federal bankruptcy courts in the Midwest. He is a member of National Association of Bankruptcy Trustees and American Bankruptcy Institute, where he is a frequent lecturer on a variety of bankruptcy topics.

In addition to his legal pursuits, Mr. Baldi is active in municipal affairs in his hometown of Park Ridge, Illinois and currently serves as a commissioner on the city's Planning and Zoning Commission. Mr. Baldi graduated *cum laude* from the DePaul University College of Law and holds a B.A. in Psychology from Western Illinois University.

**Baldi Berg, Ltd.**

**Elizabeth C. Berg**

Elizabeth C. Berg is a partner of Baldi Berg, Ltd., a Chicago area bankruptcy boutique, and has been with the firm since its inception in April, 2000. Before her affiliation with Baldi, Berg, Mrs. Berg worked at the Chicago law firms of Schwartz & Freeman; Rosenthal and Schanfield; and Weissman, Smolev & Pond.

Mrs. Berg has specialized in bankruptcy law since her admission to the bar in 1989 and has focused her practice in the representation of bankruptcy trustees, primarily in chapter 7 bankruptcies. Since 2010, Mrs. Berg has served on the panel of private bankruptcy trustees appointed by the Office of the United States Trustee for the Northern District of Illinois. Prior to her graduation from law school, Mrs. Berg spent six years as a legal assistant, focusing her practice in the areas of secured transactions, mortgage lending, and corporate and bankruptcy law.

Mrs. Berg is admitted to practice in the State of Illinois and the United States District Court for the Northern District of Illinois. She is a member of the National Association of Bankruptcy Trustees and the American Bankruptcy Institute. She has participated in the regional CARE program and delivered credit abuse and financial literacy presentations to area high schools. She has also been a part-time instructor in the Paralegal Studies Department of Northwestern Business College where she taught introductory law classes to prospective legal assistants. Mrs. Berg received her Juris Doctor from Loyola University of Chicago School of Law and her certification as a paralegal from Roosevelt University in Chicago, Illinois. She holds a Bachelor of Arts degree from Brown University in French Language and Culture and studied at La Sorbonne and l'Université de Paris as an undergraduate.

In addition to her legal and academic pursuits, Mrs. Berg has been active in her hometown of Glen Ellyn, Illinois, serving as a Girl Scout Leader and volunteering in a variety of activities at her church and in the local schools.

**Baldi Berg, Ltd.**

**Julia D. Loper**

Julia D. Loper is an associate with the firm and represents bankruptcy trustees and debtors in chapter 7, chapter 11, and chapter 13 bankruptcies. Ms. Loper has worked with Baldi Berg, Ltd. since 2009. Ms. Loper also has general civil litigation experience. Ms. Loper is admitted to practice in the State of Illinois and the United States District Court for the Northern District of Illinois. She is a member of the Chicago Bar Association. Ms. Loper received her Juris Doctor from Michigan State College of Law and received her Bachelor of Arts degree from University of Utah in Psychology and Gender Studies.

**Ricki K. Podorovsky**

Ricki K. Podorovsky is a paralegal with the firm. Ms. Podorovsky has worked with Baldi Berg, Ltd. since 2001. Ms. Podorovsky has worked with Chapter 7 Trustees for approximately 20 years. Ms. Podorovsky received her Paralegal Certificate with honors from Roosevelt University in Chicago, Illinois. Ms. Podorovsky received her Bachelor of Arts degree from University of Iowa in Philosophy.

**Jason M. Manola**

Jason M. Manola is a paralegal with the firm. Mr. Manola has worked with Baldi Berg, Ltd. since 2011. He is a member of the Chicago Bar Association and the DuPage County Bar Association. Mr. Manola is currently pursuing his Paralegal Certificate at the College of DuPage in Glen Ellyn, Illinois. Mr. Manola received his Bachelor of Arts degree from the University of Iowa in Sports Management and Entrepreneurship.

**Baldi Berg, Ltd.  
Final Fee Application**

**James Turnell, Debtor  
Case No. 16-08355**

**Billing Statements**

**Exhibit C**

**Baldi Berg, Ltd.**  
**20 N. Clark Street**  
**Suite 200**  
**Chicago, IL 60602**

**Phone:** (312) 726-8150

**Fax:** (312) 470-6323

**FEIN:** 36-4352753

**Invoice submitted to:**

November 7, 2016

Invoice No: 02757

Baldi Berg, Ltd.  
 Baldi Berg, Ltd.  
 20 N. Clark Street  
 Suite 200  
 Chicago, ILLINOIS 60602

**In Reference to:** *Turnell - General Administration*

**Professional Services**

<u>Date</u>	<u>Staff</u>	<u>Description</u>	<u>Hours</u>	<u>Charges</u>
4/12/2016	RKP	Review case file for information needed to prepare motion (.1); draft motion to employ attorneys (.5); proposed order (.1) and affidavit (.1); email to E. Berg re: same (.1)	0.90 \$195.00/ hr	\$175.50
4/15/2016	JAB	Review case, review pleadings in district court and appellate court regarding injunction, non compete agreement (1.7), Review schedules (.3)	2.00 \$450.00/ hr	\$900.00
4/16/2016	JAB	Prepare memo to trustee regarding status of district court case, remaining claims, other issues in case.	1.00 \$450.00/ hr	\$450.00
4/20/2016	JDL	Review JAB and Trustee email re: status of case to prep for motion to lift stay motion	0.30 \$275.00/ hr	\$82.50
4/21/2016	ECB	Review and analyze loan and conveyance documents relating to pre-petition transfer of Ds son house out of of joint ownership with D (1.0) Review Centimark Motion to Lift Stay (.2) TC to J. Pcolinski (.1)	1.30 \$325.00/ hr	\$422.50
5/18/2016	JDL	Email to ECB re: deadline to object to exemptions.	0.10 \$275.00/ hr	\$27.50

**Baldi Berg, Ltd**

11/07/2016

Turnell - General Administration

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5/19/2016	RKP	Review file for information needed to prepare motion to sell (.2); draft motion to sell (.6); draft 2002 notice (.2); proposed order (.1) and certificate of service (.1)	1.20 \$195.00/ hr	\$234.00
5/24/2016	RKP	Prepare motion to sell for service and filing (.1); edit motion and notice per E. Berg (.3)	0.40 \$195.00/ hr	\$78.00
5/26/2016	RKP	Phone conversation with Eliot W at CarMax to confirm documentation needed to effectuate proposed sale (.2); email to Eliot re: same (.2)	0.40 \$195.00/ hr	\$78.00
5/27/2016	JDL	Draft motion to extend time to object to Debtor's exemptions.	1.00 \$275.00/ hr	\$275.00
6/07/2016	RKP	Phone conversation with I. Price re: document request and turnover of vehicle (.2); email to I. Price re: same (.1)	0.30 \$195.00/ hr	\$58.50
6/08/2016	JDL	Revise proposed order to sell automobile.	0.10 \$275.00/ hr	\$27.50
6/14/2016	RKP	Email to Debtor re: sale of vehicle (.2); phone conversation with Debtor re: sale of vehicle (.2); follow up email re: coordinating sale to CarMax and delivery of title (.1); phone conversation with Shenitha at Judge Cassling's chambers re: entry of sale order (.1); email to J. Loper re: same (.1).	0.70 \$195.00/ hr	\$136.50
6/17/2016	JDL	Appear in court on motion to sell vehicle.	0.40 \$275.00/ hr	\$110.00
6/20/2016	RKP	Emails to E. Berg with signed order and confirmation of sale with CarMax Business Manager (Eliot) (.2); phone conversation with J. Turnell re: same (.1)	0.30 \$195.00/ hr	\$58.50
6/21/2016	JMM	Draft Trustee's Report of Sale for sale of 2011 Cadillac	0.50 \$185.00/ hr	\$92.50

**Baldi Berg, Ltd**

11/07/2016

Turnell - General Administration

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6/29/2016	JDL	Review of financial statements and Debtor documents (3.0) Cf w/ ECB re: tax returns (.2) Email to L. West re: same (.2) Research re: constructive, resulting trusts, IRS joint liability (.8)	4.20 \$275.00/ hr	\$1,155.00
7/06/2016	JDL	Continued research re: joint tax liability.	0.50 \$275.00/ hr	\$137.50
7/26/2016	JDL	CF w/ ECB re: status of investigation of joint debts, TBE objection (.8) Email to R. Larsen re: same, document return (.1)	0.90 \$275.00/ hr	\$247.50
9/19/2016	JMM	Prepare BB Fee Application (1.4); Coversheet, proposed order, and affidavit (.3), Review and edit Fee App w/ ECB revisions (.4)	2.10 \$185.00/ hr	\$388.50

Total Fees \$5,135.00

Total New Charges \$5,135.00

Previous Balance \$0.00

Balance Due \$5,135.00

***Timekeeper Summary***

<u>Name</u>	<u>Hours</u>	<u>Rate</u>
Elizabeth C Berg	1.30	\$325.00
Joseph A Baldi	3.00	\$450.00
Julia D Loper	7.50	\$275.00
Jason M Manola	2.60	\$185.00
Ricki K Podorovsky	4.20	\$195.00
	<u>18.60</u>	



**Baldi Berg, Ltd.  
Final Fee Application**

**James Turnell, Debtor  
Case No. 16-08355**

**Rule 2016 Affidavit**

**Exhibit D**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re	)	Chapter 7
	)	Case No. 16-08355
James Turnell,	)	Hon. Donald R. Cassling
	)	(Kane County)
	)	
Debtor.	)	

**Rule 2016 Affidavit**

State of Illinois     )  
County of Cook     )

I, Elizabeth C. Berg, being first duly sworn upon oath, do depose and state as follows:

1. I am a shareholder of Baldi Berg, Ltd. and am authorized to execute this affidavit on behalf of Baldi Berg, Ltd.

2. I have read the Application for Allowance and Payment of Final Compensation and Expense Reimbursement of Baldi Berg, Ltd., Attorneys for Trustee ("Application") and all of the factual matters set forth therein are true to the best of my knowledge, information and belief. Baldi Berg, Ltd. has performed the services and incurred the expenses set forth and described in the Application at the request and pursuant to the direction of the Trustee.

3. A copy of the Application has been provided to Trustee and the Trustee has reviewed and approved the Application.

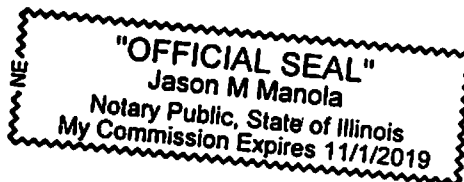
4. Baldi Berg, Ltd. has not previously received payment of any compensation for services rendered or expenses incurred in connection with this case. Baldi Berg, Ltd. has not entered into any agreement with any other person or persons for the sharing of compensation to be received for services rendered or expense reimbursement to be received for actual expenses incurred in connection with this matter, except among the principals and associates of Baldi Berg, Ltd and to the extent of the voluntary reduction in the request for compensation, as more fully set forth in the Application.

5. Further affiant sayeth naught.

  
\_\_\_\_\_  
Elizabeth C. Berg

Subscribed and Sworn to before me  
this 11<sup>th</sup> day of November, 2016

  
\_\_\_\_\_  
Notary Public



**Exhibit D**